

Supreme Court, U.S.
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in the
Supreme Court
of the
United States

OCTOBER TERM 1978

NO. 78-78-896

FRANCIS HARRY BROWN a/k/a
HARRY BROWN,

Petitioner,

vs.

UNITED STATES OF AMERICA,
Respondent.

**PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT.**

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The Petitioner, FRANCIS HARRY BROWN a/k/a HARRY BROWN, respectfully prays that a Writ of Certiorari be issued to review the judgment and opinion of the United States Court of Appeals for the Third Circuit entered in this proceeding on August 14, 1978, and the Order Denying the Petition for Rehearing entered by that Court on October 13, 1978.

OPINIONS BELOW

The Petitioner, FRANCIS HARRY BROWN, respectfully adopts as being fully applicable herein, the Opinions Below section of Co-Defendant MARVIN GREENBLATT's Petition for Writ of Certiorari in Case No. 78-791, filed in this Court November 13, 1978.

JURISDICTION

The judgment of the Court of Appeals for the Third Circuit was entered on August 14, 1978. The Order denying the Petition for Rehearing was entered on October 13, 1978. The Court's jurisdiction is invoked under 28 U.S.C. §1254(1).¹

¹This Petition is not filed within thirty (30) days of the Order Denying the Petition for Rehearing. Undersigned counsel had spoken to counsel for Co-Defendant Greenblatt, and counsel for Co-Defendant Greenblatt had informed undersigned counsel that the Petition for Writ of Certiorari filed on Co-Defendant Greenblatt's behalf would also include Francis Harry Brown as a Petitioner therein. However, due to an oversight on behalf of Co-Defendant Greenblatt's counsel, Francis Harry Brown was not included in Co-Defendant Greenblatt's Petition for Writ of Certiorari filed in this Court on November 13, 1978. Petitioner herein, Francis Harry Brown, was informed by the Clerk's Office that he could not, by motion, adopt the Petition for Writ of Certiorari filed by Co-Defendant Greenblatt on November 13, 1978. Thus, the Petitioner herein, Francis Harry Brown, is belatedly filing his own Petition for Writ of Certiorari in this case.

QUESTION PRESENTED

The Petitioner, FRANCIS HARRY BROWN, adopts the Question Presented in Co-Defendant Greenblatt's Petition for Writ of Certiorari in Case No. 78-791 as being fully applicable herein.

STATUTE INVOLVED

18 U.S.C. §1341.

STATEMENT OF THE CASE

The Petitioner, FRANCIS HARRY BROWN, adopts as being fully applicable herein the Statement of the Case portion of Co-Defendant Greenblatt's Petition for Writ of Certiorari in Case No. 78-791, filed in this Court on November 13, 1978.

ARGUMENT

The Petitioner, FRANCIS HARRY BROWN, adopts as being fully applicable herein the Argument portion of Co-Defendant Greenblatt's Petition for Writ of Certiorari in Case No. 78-791, filed in this Court on November 13, 1978.

CONCLUSION

For the reasons stated in Co-Defendant Greenblatt's Petition for Writ of Certiorari in Case No. 78-791, filed in this Court on November 13, 1978, the Writ of Certiorari should likewise be issued to review the Judgment and Opinion of the Third Circuit in this case. As an additional reason for granting the Writ in this case, the Petitioner, **FRANCIS HARRY BROWN**, would state that he is presently incarcerated upon a probation violation. Although he stands convicted of three counts in the instant case, reversal of the mail fraud count in this case would substantially affect the Petitioner's parole chances on the sentence he is presently serving for his violation of probation.

Respectfully submitted,

**DONALD I. BIERMAN,
ESQUIRE**

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BY: /s/ Donald I. Bierman

DONALD I. BIERMAN

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was mailed this 29 day of November, 1978 to ROBERT E. MADDEN, Department of Justice, Philadelphia Strike Force, PNB Plaza Building, Suite 900, 5th & Market Streets, Philadelphia, Pa. 19106.

/s/ Donald I. Bierman

DONALD I. BIERMAN

APPENDIX

The Petitioner, FRANCIS HARRY BROWN, adopts the Appendix to Co-Defendant Greenblatt's Petition for Writ of Certiorari in Case No. 78-791, filed in this Court on November 13, 1978 as being fully applicable herein.

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